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Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN ARMSTRONG, et al.,)	No. C-94-2307 CW
)	
Plaintiffs,)	STIPULATION AND ORDER
v.)	AMENDING PLAINTIFF CLASS
)	
PETE WILSON, et al.,)	
)	
Defendants.)	

It is hereby stipulated between defendants Pete Wilson, Governor of California, Thomas Maddock, Secretary of the California Youth and Adult Corrections Agency, Cal Terhune, Director of the California Department of Corrections, Susann Steinberg, M.D., Deputy Director of the Health Care Services Division, and all other defendants, by their counsel Daniel E. Lungren, Attorney General of California, James Humes, Deputy Attorney General and plaintiffs John Armstrong, and all other members of the plaintiff class, by their counsel Prison Law Office, Donald Specter, Rosen, Bien & Asaro, Michael Bien, McCutchen, Doyle, Brown and Enersen, Warren George, Disability Rights and Education Defense Fund, Elaine Feingold, that:

1. Defendants' agree that all Findings and

1 Recommendations and Orders issued in this action apply to
 2 prisoners and conditions at the California Medical Facility at
 3 Vacaville ("CMF") and that this Court has jurisdiction and power
 4 to issue relief and orders concerning CMF to the same extent as
 5 the Court has jurisdiction and power to do so as to any other
 6 California prison;

7 2. The Order Certifying the Class filed in this case on
 8 January 13, 1995, shall be amended. Lines 19 and 20 on page
 9 three of the order shall be deleted. As amended, the newly
 10 constituted class is described as follows:

11 The plaintiff class shall consist of all present and
 12 future California state prisoners and parolees with mobility,
 13 sight, hearing, learning and kidney disabilities that
 14 substantially limit one or more of their major life activities.

15 Date: June 16, 1998

16 Agreed:

17 Attorneys for Plaintiffs:

18 Donald Specter By ms
 19 DONALD SPECTER
 20 PRISON LAW OFFICE
 21 General Delivery
 22 San Quentin, CA 94964

21 Michael W. Bien
 22 ROSEN, BIEN & ASARO
 23 MICHAEL W. BIEN
 24 155 Montgomery St., 8th Floor
 25 San Francisco CA 94104

26 Attorneys for Defendants:

25 Peter J. Higgins
 26 DANIEL E. LUNGREN
 27 Attorney General
 28 PETER J. SIGGINS
 Senior Asst. Attorney General

ORDER

Based upon the foregoing stipulation of the parties, and good cause appearing, the Order certifying the Class in this case shall be amended.

IT IS HEREBY ORDERED that the plaintiff class shall consist of all present and future California state prisoners and parolees with mobility, sight, hearing, learning and kidney disabilities that substantially limit one or more of their major life activities.

Dated: DEC 24 1998



CLAUDIA WILKEN
United States District Judge

DANIEL E. LUNGREN
Attorney General

State of California
DEPARTMENT OF JUSTICE



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December 23, 1998

Honorable Claudia Wilken
United States District Judge
United States District Court
Northern District of California
1301 Clay Street, Suite 400
Oakland, CA 94612-5212

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DEC 23 1998
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

RE: *Armstrong, et al. v. Wilson, et al.*
USDC ND Case No. C-94-2307-CW

Dear Judge Wilken:

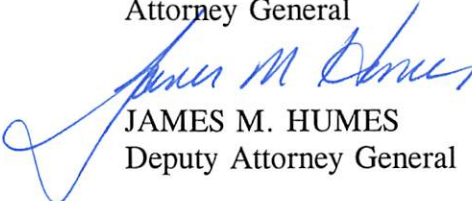
Enclosed is a stipulation and order that incorporates inmates with mobility impairments at the California Medical Facility into the plaintiff class in this case. As you will recall, the order certifying the class in this case expressly excluded this sub-class of inmates. See Order Certifying the Class, dated January 13, 1995. One of the main reasons this sub-class was excluded was because it was already represented in another class action suit, *Gates v. Gomez*, No. CIV S-87-1636 LKK JFM (E.D. Cal.).

In June 1998, the parties in *Gates* entered into an agreement that specified, among other things, that the enclosed stipulation would be filed in *Armstrong* upon dismissal of *Gates*. *Gates* was dismissed on December 21, 1998.

Thank you.

Sincerely,

DANIEL E. LUNGREN
Attorney General


JAMES M. HUMES
Deputy Attorney General

Encl.

cc: Don Specter
Michael Bien

RECEIVED

DEC 23 1998

RICHARD W. WIENING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

[Handwritten signature]